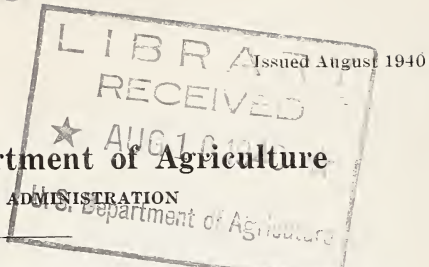


Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT

[Given pursuant to section 9 of the Caustic Poison Act]

96-99

[Approved by the Acting Secretary of Agriculture, Washington, June 18, 1940]

96. Misbranding of ammonia. U. S. v. Middlebrooke Lancaster, Inc. Plea of guilty. Fine, \$50. (C. P. A. No. 108. Sample No. 47347-D.)

This product was a caustic poison, but the label did not bear or have printed thereon the word "poison."

On December 27, 1939, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Middlebrooke Lancaster, Inc., Brooklyn, N. Y., charging shipment in interstate commerce on or about March 11, 1939, from Brooklyn, N. Y., into the State of Maryland of a quantity of ammonia that was misbranded in violation of the Federal Caustic Poison Act.

It was alleged in the information that the article contained free ammonia in a concentration of 5 percent or more, was a dangerous caustic or corrosive substance in retail packages suitable for household use, and was misbranded in that the label affixed to the packages did not bear the word "poison," as is required by the said act of Congress.

On January 5, 1940, a plea of guilty was entered on behalf of the defendant and a fine of \$50 was imposed.

CLAUDE R. WICKARD, *Acting Secretary of Agriculture.*

97. Misbranding of Ritz Beer Coil Cleaning Compound and Coil Cleaning Compound. U. S. v. Walter L. Schwartz, trading as the Ritz Chemical Co. Plea of guilty. Combined fine, \$20; and an additional fine of \$180, payment of which was suspended and defendant put on probation for 2 years. (C. P. A. Nos. 54, 103. Sample Nos. 30431-B, 30363-D.)

These products contained sodium hydroxide in concentrations of 10 percent or more. They were dangerous caustic or corrosive substances in packages suitable for household use and were not labeled in compliance with the requirements of the law prescribing the labeling of such substances.

On November 21, 1935, and June 6, 1939, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court informations against Walter L. Schwartz, trading as the Ritz Chemical Co., Newark, N. J., alleging shipment on or about March 7, 1935, and September 10, 1938, from Newark, N. J., into the States of New York and Pennsylvania, of quantities of Ritz Beer Coil Cleaning Compound and Coil Cleaning Compound, that were misbranded in violation of the Federal Caustic Poison Act.

The beer coil cleaning compound was alleged to be misbranded in that the label did not bear the common name of the dangerous caustic or corrosive substance contained therein, namely, sodium hydroxide; the word "poison"; nor the name and place of business of the manufacturer, packer, seller, or distributor.

The coil cleaning compound was alleged to be misbranded in that the label did not bear or contain the common name of the caustic or corrosive substance contained therein, namely, sodium hydroxide; the word "poison"; nor directions for treatment in case of accidental personal injury.

The articles also were alleged to be misbranded under the Insecticide Act of 1910, as reported in notice of judgment No. 1737 published under that act.

On January 26, 1940, these cases having been consolidated, a plea of guilty was entered and a fine of \$20 was imposed, and a further fine of \$180 was imposed but payment was suspended and defendant was put on probation for 2 years.

CLAUDE R. WICKARD, *Acting Secretary of Agriculture.*

98. Misbranding of Caustic Potash. U. S. v. 16 Cans of Caustic Potash. Default decree of condemnation and destruction. (C. P. A. No. 110. Sample No. 72430-D.)

This product was a dangerous caustic or corrosive substance in packages suitable for household use and was not labeled in the manner that the law requires such substances to be labeled.

On December 15, 1939, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against sixteen 5-pound cans of Boyer's Caustic Potash at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about April 22 and September 28, 1939, by the Boyer Chemical Works from Chicago, Ill.; and charging that it was misbranded in violation of the Federal Caustic Poison Act.

It was alleged in the libel that the article contained potassium hydroxide in a concentration of 10 percent or more; was a dangerous caustic or corrosive substance in packages suitable for household use; and that it was misbranded in that the label did not bear the word "poison" nor did it bear or contain any directions for treatment in case of accidental personal injury.

On February 5, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

CLAUDE R. WICKARD, *Acting Secretary of Agriculture.*

99. Misbranding of Camfo-Phenol. U. S. v. Modern Drugs, Inc. Plea of guilty. Fine, \$30. (C. P. A. No. 99. Samples Nos. 16847-D, 16863-D.)

This product was a dangerous caustic or corrosive substance in packages suitable for household use and was not labeled in compliance with the law prescribing the labeling of such substances.

On July 22, 1939, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Modern Drugs, Inc., Philippi, W. Va., alleging shipment by said defendant on or about October 18 and 28, 1937, from the State of West Virginia into the State of Maryland, of quantities of Camfo-Phenol that was misbranded in violation of the Federal Caustic Poison Act.

It was alleged in the information that the article contained phenol (carbolic acid) in a concentration of 5 percent or more, that it was a dangerous caustic or corrosive substance in packages suitable for household use, and that it was misbranded in that the label did not bear and have printed thereon the word "poison" in uncondensed gothic capital letters of 24-point size, in letters as large as the largest type on the label, or at all; nor did the label bear and have printed thereon directions for treatment in case of accidental personal injury.

The information also charged misbranding of this article and numerous others in violation of the Food and Drugs Act, reported in notice of judgment No. 30378 published under that act.

On November 22, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$15 on each count of the information. The fine on the counts charging violation of the Federal Caustic Poison Act amounted to \$30.

CLAUDE R. WICKARD, *Acting Secretary of Agriculture.*